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February 5, 2019

BY FACSIMILE

The Honorable P. Kevin Castel
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Cunningham v. Cornell University,
No. 1:16-cv-06525-PKC (S.D.N.Y.)

Dear Judge Castel:

In conjunction with the motions in limine and motion for summary judgment, the Cornell Defendants asked this Court to hold certain documents under seal, on a provisional basis, so that other parties and non-party witnesses could seek to demonstrate that the specified documents ought to be maintained under seal on a more permanent basis, under the *Lugosch* standard. Dkt. 243.

Non-party Fidelity Management Trust Company (together with its affiliates, "Fidelity") has apprised the Cornell Defendants that it believes that other documents, currently available on the public record, contain information that Fidelity considers confidential.

Fidelity has asked the Cornell Defendants to take steps to provisionally seal the following documents pending Fidelity's forthcoming motion to seal:

- Doc. #232
- Doc. #233
- Doc. #235-4
- Doc. #237-8
- Doc. #238-5
- Doc. #239-11
- Doc. #246-4
- Doc. #248-12

With respect to each of the above documents, Fidelity has identified redactions; the Cornell Defendants can file redacted versions of the documents immediately or can make final, redacted filings after the Court has assessed whether the *Lugosch* factors have been satisfied. In either case, the Cornell Defendants request that the above-listed documents be sealed from public view. Because Fidelity only just discovered that this information had been filed on the public docket, it has asked the Cornell Defendants to request a deadline of February 19, 2019, for Fidelity to file a motion to seal that addresses all of the documents over which Fidelity asserts confidentiality. The Cornell Defendants have no objection to that timeline.

The request is provisionally granted for 14 days.
SO ORDERED
[Signature]
USPJ
2-8-19

OK

Mayer Brown LLP

The Honorable P. Kevin Castel
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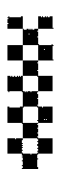
This letter has been served via facsimile, pursuant to Paragraph I(A)(ii) of Your Honor's Individual Practices, because it "contains matters that a party asserts should be under seal." All parties and Fidelity will receive service copies of this letter via email.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Netter", with a stylized flourish at the end.

Brian D. Netter

Cc: All Parties (via email)
Brian D. Boyle, Counsel for Fidelity (via email, bboyle@omm.com)



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Facsimile cover sheet

Date: 2019-02-05 11:35:36 EST

To/Company:

Hon. P. Kevin Castel, U.S.
District Court for the
Southern District of New
York

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12128057949

MESSAGE:

Please see the attached letter.

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